

QUESTION 77

Interpretation Requested by the Storm Trysail Club

Definitions, Room

The phrase “seamanlike way” in the definition Room refers to boat-handling that can reasonably be expected from a crew with average experience and of the appropriate number for the boat.

FACTS

Two thirty-foot boats on port tack, OL and IW, are approaching the leeward mark to be left to port. They are overlapped as they enter the two-length zone, with IW on the inside. Although boats of this class are normally sailed by a crew of six, IW is sailing with a crew of three, and they are relatively inexperienced.

QUESTION 1 Should the experience and number of crew members sailing IW be considered in determining how much “room” she is entitled to under rule 18.2(a)?

ANSWER Neither the experience of IW’s crew nor their number is relevant in determining “room.” In rule 18.2(a), which requires OL to give IW “room” to pass the mark, “room” is a defined term. The definition Room is “the space a boat needs in the existing conditions while maneuvering promptly in a seamanlike way.” In determining whether or not OW has given IW the required space, the interpretation of “seamanlike way” must be based on the boat-handling that can reasonably be expected from a crew with average experience and of the appropriate number for the boat.

QUESTION 2 Is the answer the same with respect to rules 15, 16 and 19.1?

ANSWER Yes.

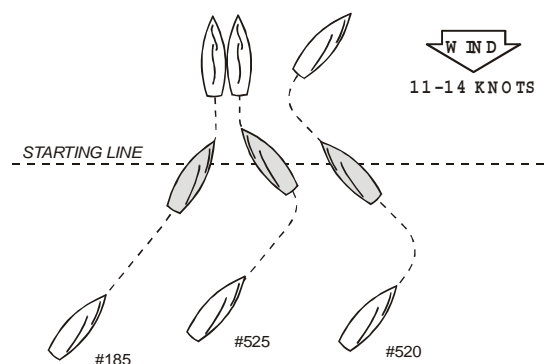
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APPEAL 78

S2 7.9 #185 vs. S2 7.9 #525

Rule 15, Acquiring Right of Way
Rule 64.1(b), Penalties and Exoneration
Definitions, Room

A boat that acquires right of way over a second boat and causes her to collide with a third boat has compelled the second boat to maneuver in an unseamanlike way. In doing so the first boat breaks rule 15 by not initially giving the second boat room to keep clear.



FACTS AND DECISION OF THE PROTEST COMMITTEE

Three S2 7.9s, #520, #525 and #185, were sailing close-hauled on port tack approaching the starting line to start. The wind was 11–14 knots. Boat #525 was just overlapped with and approximately one and one-half lengths to windward of #520. Boat #185, sailing slightly faster than #525, became overlapped approximately one length to windward of #525 just prior to the starting signal. After the starting signal but prior to crossing the starting line, #520 tacked to starboard and acquired right of way over #525. Boat #525 responded by immediately tacking to starboard to keep clear of #520, but after completing her tack #525 was less than ten feet from #185. Boats #525 and #185 immediately luffed head to wind, but unavoidably collided beam to beam. Boat #520 avoided contact with #525 by tacking back to port.

The protest committee found that #525 had completed her tack and kept clear of #520, but completed her tack so close to #185 that the collision was inevitable. The committee disquali-

fied #525 for breaking rule 16, and she appealed.

DECISION OF THE APPEALS COMMITTEE

While tacking and subject to rule 13, #520 was required to keep clear of other boats. Once on a close-hauled course, she acquired right-of-way as a starboard-tack boat over #525 on port tack. Rule 15 required #520 to initially give #525 room to keep clear, which #525 did by promptly tacking to starboard, the only option available to her. When #525 completed her tack, she immediately broke rule 15 in relation to #185, shown by the fact that she and #185 collided despite both boats taking immediate avoiding action. If a boat maneuvers in a way that causes her to collide with another boat, her maneuver is not seamanlike. Boat #520, by depriving #525 of the space necessary to maneuver in a seamanlike way, failed to give #525 room to keep clear (see the definition Room).

The results are that #520 broke rule 15 against #525 and is disqualified, #525 broke rule 15 against #185 but is exonerated under rule 64.1(b), and #185 broke rule 10 against #525 but is exonerated under rule 64.1(b).

September 1999

QUESTION 79

*Interpretation Requested by the
Manhasset Bay Yacht Club*

Part 2 Preamble
Definitions, Rule

When sailing instructions substitute the IRPCAS or government right-of-way rules for Part 2 of the racing rules, the substituted rules become "rules" as provided in the definition Rule, part (e). Consequently the protest committee has the authority to interpret and apply penalties under such rules, but this authority does not extend to applying them to incidents involving a boat racing and another vessel unless the sailing instructions specifically provide that government rules apply to

such incidents.

FACTS

Two boats were racing close-hauled on port tack on a heading of 315 degrees toward a tugboat towing a barge on a heading of 245 degrees. The tugboat reduced speed and the boats crossed her bow. Local government right-of-way rules applied, but the sailing instructions did not replace the rules of Part 2 with them or make them applicable for other purposes.

QUESTION Do the racing boats or the tugboat hold the right of way in this situation?

ANSWER In an incident between a boat racing under the Racing Rules of Sailing and a vessel that is not, the IRPCAS or government right-of-way rules and not the rules of Part 2 apply (see the preamble to Part 2). However, as explained below, for the race in question the government right-of-way rules were not "rules" as defined in the racing rules. In such cases, neither a protest committee nor an appeals committee has the authority to interpret those rules or to penalize boats under them (see rules 63.1, 64.1 and 71.2, which state the basic responsibilities of these committees).

Part (a) of the definition Rule states that the preambles are "rules." Therefore the Part 2 preamble is binding on competitors and race officials (see rules 3 and 85). However, the preamble does not state that government right-of-way rules are "rules"; it states that those rules, and not the racing rules, apply in incidents such as this one.

Concerning parts (b), (c) and (d) of the definition, they did not apply either, because none of the documents to which they refer stated that the government right-of-way rules would replace the rules of Part 2.

Concerning part (e), since the government right-of-way rules did not replace the rules of Part 2, the government right-of-way rules did not govern the race and were not rules under the definition.

By contrast, when the sailing instructions for a race or series state that the IRPCAS or govern-

ment right-of-way rules replace Part 2 of the racing rules, those rules then become “rules” under part (e) of the definition Rule and apply between the boats in that event. Consequently, the event’s protest committee has the authority and duty under the racing rules to apply the government right-of-way rules, including the obligation to penalize boats that break them. How-

ever, this authority does not extend to applying those rules to incidents involving a boat racing and another vessel, unless the sailing instructions specifically provide that government rules apply to such incidents.

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